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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

APPIAH, CHARLES NANA

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/527,231

Applicant(s)

PUNAGANTI ET AL.

Examiner

Charles N. Appiah

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 21, 2006 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 11, the recitation of the limitation "said alerting" on line 4, lacks prior antecedent basis in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 9-12, 14, 15, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannell et al. (6,741,678) in view of Ahlberg et al. (5,657,372).

Regarding claims 1, 11, 14 and 23, Cannell discloses method and an apparatus for processing a voice call establishment, and a communication system (see Figs. 1-2), the system configured to detect a voice call establishment request from a calling terminal to a called terminal (calling terminal sends call request to called phone, step 201), in response to the detecting, alerting the called terminal (called phone receives the call request from the calling phone, step 203), determining that a two-way voice call between the calling terminal and the called terminal is not allowed (called terminal not answering the request, step 205), and receiving silent messages via the called terminal and/or calling terminal (called phone wishing to send data message and calling phone being data-capable, steps 207-211), and conveying information on the silent messages to the calling terminal and/or the called terminal, respectively (data message and/or voice message being sent to calling phone, steps 210, 211, 213, 215). Cannell fails to explicitly teach in response to the alerting, setting up a two-way connection between the calling terminal and the called terminal.

In an analogous field of endeavor, Ahlberg discloses a system for selectively accepting telephone calls without establishing voice communications (see abstract, Fig. 4, steps 88-90). According to Ahlberg, when a hold selection means is activated in response to receiving an incoming call alert, a communication link is established between the called party and the calling party without opening a voice channel between them (see col. 3, lines 45-57), and a predetermined message can be exchanged between the called party and the calling party indicating the momentary unavailability of the called party (see col. 11, lines 45-57).

It would therefore have been obvious to one of ordinary skill in the art to combine Ahlberg's incoming call acceptance without voice communications feature with Cannell's system in order to allow a called party to continue with an ongoing activity prior to establishing a desired voice communication with a calling party.

Regarding claim 2, Cannell further discloses wherein the determining is based on detecting a predetermined user input via a user interface of the called terminal after the alerting (called terminal wishing to send a data message to the calling terminal, see col. 4, lines 27-30).

Regarding claim 4, Cannell further discloses wherein the two-way connection is or comprises a chat connection sending of data message to calling phone, step 210).

Regarding claim 5, Cannel further discloses wherein the conveying comprises converting the silent messages to speech (convert data message to voice message, step 213).

Regarding claim 6, Cannell further discloses wherein the converting comprises text-to-speech synthesis (see col. 5, lines 1-7).

Regarding claim 9, Cannell further discloses wherein the determining step is carried out by a network element (see col. 4, lines 4-14).

Regarding claim 10, Cannel further discloses wherein the converting step is carried out by a network element (see col. 3, lines 14-25).

Regarding claims 12 and 15, Cannel further discloses wherein the apparatus is located in a network element (see col. 3, lines 5-28).

Regarding claim 20, Cannell discloses a user interface in a called terminal and/or a calling terminal (calling phone, called phone), wherein the user interface is configured to select a desired call mode (user of the called phone deciding not to answer the call in the usual manner, col. 1, lines 53-60), if a two-way voice call between the called terminal and the calling terminal is not allowed (user of the called phone being in a setting that is not conducive to completing and carrying on a conversation, see col. 1, lines 60-65), receive silent messages from the calling terminal and/or the called terminal (called phone responding to the call request with a data message, which is sent to the calling terminal without completing the call, see col. 1, line 66 to col. 2, line 3). See Figs. 1-2. Cannell fails to explicitly teach in response to the alerting, setting up a two-way connection between the calling terminal and the called terminal.

In an analogous field of endeavor, Ahlberg discloses a system for selectively accepting telephone calls without establishing voice communications (see abstract, Fig. 4, steps 88-90). According to Ahlberg, when a hold selection means is activated in response to receiving an incoming call alert, a communication link is established between the called party and the calling party without opening a voice channel between them (see col. 3, lines 45-57), and a predetermined message can be exchanged between the called party and the calling party indicating the momentary unavailability of the called party (see col. 11, lines 45-57).

It would therefore have been obvious to one of ordinary skill in the art to combine Ahlberg's incoming call acceptance without voice communications feature with

Cannell's system in order to allow a called party to continue with an ongoing activity prior to establishing a desired voice communication with a calling party.

Regarding claim 21, Cannell further discloses wherein the silent messages are chat responses (data message being sent to calling phone, see Fig. 2, steps 209-215).

5. Claims 17, 18, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannell et al and Ahlberg et al as applied to claims 14 and 23 above, and further in view of Nelson (US 2003/0097262).

Regarding claims 17, 18, 31 and 32, the combination of Cannell and Ahlberg fail to explicitly teach a mode converter configured to change a call mode from a voice call to a non-voice call and is further configured to convert chat responses to speech.

Nelson discloses a handheld device having speech to text conversion functionality (see Fig. 1), wherein a received call can be converted from a voice call to a non voice call (see Figs. 3-4, page 2, [0017]), wherein the speech-to-text and text-to-speech capabilities are useful for people with speech and/or hearing disabilities and is also useful in places where quiet is required or even in very loud environments (see page 3, [0023]).

It would therefore have been obvious to one of ordinary skill in the art to combine the text-to-speech and speech-to-text conversion process of Nelson with Cannell as modified by Ahlberg in order to facilitate communication capabilities of hearing impaired and/or vision impaired persons as well as silent communications in quiet areas or noisy environments as taught by Nelson.

6. Claims 19 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannell et al and Ahlberg et al as applied to claims 14 and above, and further in view of Himmel et al. (6,937,868).

Regarding claims 19 and 33 Cannell as modified by Ahlberg fail to teach wherein the apparatus is further configured to store pre-recorded voice responses.

In an analogous field of endeavor, Himmel discloses a method for managing a mobile phone answering mode based on the location of the phone (see col. 1, lines 44-60). According to Himmel, based on the location of the mobile telephone, certain restrictions may be put in place such that a pre-recorded stored message may be sent to a calling party when the called party is unavailable (see col. 4, lines 23-64, col. 5, lines 1-19).

It would therefore have been obvious to one of ordinary skill in the art to incorporate Himmel's pre-recorded message responses feature into Cannell and Ahlberg in order to provide communication capabilities even in areas where communication is prohibited using customized messaging as taught by Himmel.

7. Claims 3, 22, 24-27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannell et al and Ahlberg et al as applied to claims 1, 11, 14 and 23 above, and further in view of Brown et al. (7,010,288).

Regarding claims 3, 27, 28 and 30, Cannell as modified by Ahlberg fail to teach that the determining is based on detecting a predetermined profile associated with the called terminal, the profile being set prior to alerting.

In an analogous field of endeavor, Brown discloses a method and system for providing an automatic response to a telephone call wherein a phone that stores one or more voice or text messages which may be sent in response to an incoming call as an auto-response feature (see col. 3, lines 36-64, col. 4, lines Fig. 2, col. 4, lines 40-59). According to Brown a database may be accessed in order to select from a plurality of pre-recorded messages in order to determine the appropriate pre-recorded message to be transmitted (see col. 2, lines 37-42), wherein the algorithm that is used may be based on contacts e.g., a button (or message) for family, friends, work contacts, unknown callers, telemarketers, etc., including customizing auto-responses depending on the activity of the user, the identity of the caller, etc. (see col. 7, line 60 to col. 8, line 18), which reads on predetermined profile associated with the called terminal which is set prior the alerting.

It would therefore have been obvious to one of ordinary skill in the art to provide for incoming call auto-response based on predetermined user profile in order to avoid users having to constantly change their outgoing or response messages to incoming calls.

Regarding claim 26, the combination of Cannell, Ahlberg and Brown as applied above to claim 3 meet all limitations. Additionally Brown further teaches executing a plurality of options in the predetermined profile according to rules in the predetermined profile (see setting up algorithm for a message for family, friends, work contacts, unknown callers, telemarketers, etc., see col. 8, lines 1-5).

Regarding claim 22, Cannell as modified by Ahlberg fail to teach wherein the user interface is configured to select predetermined voice messages such that any predetermined voice message is selectable by a user without moving fingers on the user interface.

In an analogous field of endeavor, Brown discloses a method and system for providing an automatic response to a telephone call wherein a phone that stores one or more voice or text messages which may be sent in response to an incoming call as an auto-response feature (see col. 3, lines 36-64, col. 4, lines Fig. 2, col. 4, lines 40-59). According to Brown a database may be accessed in order to select from a plurality of pre-recorded messages in order to determine the appropriate pre-recorded message to be transmitted (see col. 2, lines 37-42).

It would therefore have been obvious to one of ordinary skill in the art to combine Brown's auto-response feature with Cannell' as modified by Ahlberg in order to improve the experience associated with responding to calls in which a called person is unavailable or not in a position to answer the call as taught by Brown.

Regarding claims 24-25, Cannell as modified by Ahlberg fail to explicitly teach presenting an audio alert or a visual alert in the called terminal.

Brown discloses wherein different forms of alert such as activation of a ringer (audio), visual notification are used to inform a user of an incoming call (see col. 4, lines 29-39).

It would therefore have been obvious to one of ordinary skill in the art to provide Brown's means of incoming call alert means such as audio and visual to Cannell as

modified by Ahlberg in order to minimize disruptive noise in situations where a user does not want to be disturbed with prolonged telephone ringing sounds.

Regarding claim 29, Cannell and Ahlberg fail to explicitly disclose that when determining that two-way voice call between the called terminal and the calling terminal is not allowed, the determination is based on detecting a prior set predetermined profile associated with the called terminal.

In an analogous field of endeavor, Brown discloses a method and system for providing an automatic response to a telephone call wherein a phone that stores one or more voice or text messages which may be sent in response to an incoming call as an auto-response feature (see col. 3, lines 36-64, col. 4, lines Fig. 2, col. 4, lines 40-59). According to Brown a database may be accessed in order to select from a plurality of pre-recorded messages in order to determine the appropriate pre-recorded message to be transmitted (see col. 2, lines 37-42), wherein the algorithm that is used may be based on contacts e.g., a button (or message) for family, friends, work contacts, unknown callers, telemarketers, etc., including customizing auto-responses depending on the activity of the user, the identity of the caller, etc. (see col. 7, line 60 to col. 8, line 18), which reads on predetermined profile associated with the called terminal which is set prior the alerting.

It would therefore have been obvious to one of ordinary skill in the art to provide appropriate responses to incoming calls based on predefined rules corresponding to a subscriber's stored profile as taught by Brown in the system of Cannell and Ahlberg in order to prioritize and customize call reception.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Osborn et al. (6,119,022) discloses a system for alerting a user of an incoming call.

Yamashita (6,470,196) discloses a communication apparatus having a function of informing a user about an incoming call.

Peters et al. (6,842,622) discloses a system for automatic answering of an incoming call.

Response to Arguments

9. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CA.


CHARLES APPIAH
PRIMARY EXAMINER